

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

v.

GEORGE D. DELONG,

Defendant.

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CASE NO. 4:11-cr-0047

OPINION & ORDER
[Resolving Doc. [103](#)]

JAMES S. GWIN, UNITED STATES DISTRICT COURT JUDGE:

On October 13, 2020, Defendant George D. Delong, Jr. moved for a sentence reduction.¹ On March 10, 2021, this Court denied Delong's motion.² On March 15, 2021, Delong filed a timely notice of appeal with the Sixth Circuit Court of Appeals.³

On March 19, 2021, Delong *pro se* requested leave to file a motion for reconsideration of the Court's order denying Delong a sentence reduction.⁴ On March 24, 2021, this Court denied Delong's request for leave because the Court would not have jurisdiction over a reconsideration motion.⁵

Now, Delong *pro se* asks the Court to issue an indicative ruling under Federal Rule of Criminal Procedure 37.⁶ Essentially, Delong moves for reconsideration of the Court's order denying Delong's request for leave to file a motion for reconsideration.

For the following reasons, the Court **DENIES** Delong's motion.

¹ Doc. [53](#).

² Doc. [83](#).

³ Doc. [89](#).

⁴ Doc. [90](#).

⁵ Doc. [97](#).

⁶ [Fed. R. Crim. P. 37](#).

Case No. 4:11-cr-00474
GWIN, J.

I. Background

Under Federal Rule of Criminal Procedure 37, if the court lacks jurisdiction to decide an otherwise timely motion because of a pending appeal, “the court may (1) defer considering the motion; (2) deny the motion; or (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue.”⁷

The Court would not grant Delong’s motion to reconsider on remand and the motion does not raise a substantial issue. As the Court stated in its initial opinion denying Delong’s compassionate release motion, the § 3553 factors do not support a sentence reduction. Delong’s crime was serious and sex offenders have a high recidivism rate.⁸

II. Conclusion

Because the Court would not grant Delong’s motion for reconsideration on remand, the Court will not issue an indicative ruling under Rule 37. Resulting, the Court **DENIES** Delong’s motion.

IT IS SO ORDERED.

Dated: April 16, 2021

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

⁷ [Fed. R. Crim. P. 37](#).

⁸ Section 3553 instructs the Court to consider the need for the sentence to “reflect the seriousness of the offense” and “to protect the public from further crimes of the defendant.” [18 U.S.C. § 3553](#).